

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

EDWARD J. NICHOLAS,	:	
	:	
Petitioner,	:	CIVIL NO. 4:CV-05-1771
	:	
v.	:	(Judge Caputo)
	:	
COMMONWEALTH, <i>et al</i> ,	:	
	:	
Respondent.	:	

**ORDER**

Petitioner, Edward J. Nicholas, who currently is being detained at the Conewago/Wernersville treatment center in Wernersville, Pennsylvania, commenced this action by filing a *pro se* petition for writ of habeas corpus pursuant to the provisions of 28 U.S.C. § 2254. By final Order dated July 5, 2006 (Doc. 103)(Jones, J.), the Petition was dismissed as time-barred.<sup>1</sup>

Presently pending before the Court is Petitioner's "Motion to Vacate Order of Dismissal of Petition for Writ of Habeas Corpus" (Doc. 155). In the Motion, Petitioner states that he "seeks his Constitutional right of Article III of the Constitution of the United States seeking a writ of prohibition." (Doc. 155 at 1.) He further states that he "invokes Article III of the U.S. Constitution [Supreme Court Rule 17] of the United States Const. Amendt. 11 28 U.S.C. 1251." (*Id.* at 2). As relief, he requests "a disposition on the merits and further proceedings consistent with the Constitution of the United States Article III, and Constitution

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<sup>1</sup>By Order dated October 25, 2006 (Doc. 115), this case was re-assigned to the undersigned Member of this Court.

and Amendment 11.” (*Id.* at 3). It appears that Petitioner sought to file a petition for an extraordinary writ with the United States Supreme Court. This Court does not have jurisdiction to dispose of the petition and will deny it on that basis.

**NOW, THEREFORE, THIS 10<sup>th</sup> DAY OF JANUARY, 2008**, Petitioner’s “Motion to Vacate Order of Dismissal of Petition for Writ of Habeas Corpus” (Doc. 155) is **DENIED**.

s/ A. Richard Caputo  
A. RICHARD CAPUTO  
United States District Judge